

Summary of HB 60: Montana Access to Civil Justice Act
A Committee Bill by the Law and Justice Interim Committee

EXHIBIT 3
DATE 6/27/07
HB 60

Purpose: To increase access to justice for low-income Montanans by creating a Court-based self-help law program. The program will:

- Develop and maintain self-help forms and instructions for self-represented litigants in civil cases;
- Develop and distribute multi-media educational materials on civil legal issues, procedures, and available legal resources;
- Provide judges, court clerks, and volunteers with information on resources for self-represented litigants and on assisting self-represented litigants in an impartial and effective manner; and
- Coordinate efforts by *pro bono* private attorneys, non-profit, and other volunteer programs that provide access to courts.

Need:

- Approximately 180,000 Montanans are living at or below 125% of the federal poverty guidelines (\$25,000 per year for a family of four) and are thus eligible to receive legal services from Montana Legal Services Association (MLSA);
- According to a comprehensive State Bar of Montana Legal Needs Survey (2005), approximately 83.6% of the legal problems of low-income households in Montana did not receive any attention from an attorney, although 90% of those problems were rated as important or extremely important by the respondents;
- MLSA, the only statewide provider of legal services to low-income Montanans, has just 11 attorneys to provide direct representation throughout the entire state, down from 39 in the mid-1970s. Federal funding available from the National Legal Services Corporation has dropped by 57% since 1979;
- 100% of jurisdictions surveyed nationally reported a significant increase in pro se litigants over a five year span; Montana courts have witnessed a similar trend, reporting that as many as 50% of all family law cases now have at least one side unrepresented by an attorney;
- *Pro bono* efforts by private attorneys, while a key element in improving access to justice, will never be sufficient to meet all of the need, especially in much of rural Montana where there are few practicing attorneys;
- Lack of access to the court system results in the denial of equal justice for too many Montanans, burdens the courts with self-represented litigants who have little or no understanding of judicial processes, and erodes public trust in the legal system.

History of HB 60:

- Senate Joint Resolution No. 6 (2005) directed an interim study of the unmet legal needs of low-income Montanans, review of current programs serving those needs, and exploration of proposed solutions;
- The Law and Justice Interim Committee, with support from stakeholders involved in equal justice initiatives across the state, decided that support for self-represented litigants was the most effective and efficient means to address the large number of unmet legal needs in Montana and restore public confidence in the justice system;
- HB 60 passed out of the Law and Justice Interim Committee with unanimous, bipartisan support.

Fiscal Impact: \$505,000 per year for the first biennium